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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,818

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Hidekazu Kamon

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04/13/2006

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EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,818	Applicant(s) KAMON, HIDEKAZU	
	Examiner Christopher R. Lamb	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6, and 12-16 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7-11, and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claim 6 objected to because of the following informalities: in line 6, the phrase "the data are record and reproduced to and from" should be "the data is recorded and reproduced to and from." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 6, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakx et al. (U.S. Patent 5,471,457).

Regarding claim 1, Bakx discloses a recording/reproducing apparatus for recording and reproducing data to and from an optical disc being loaded (Fig. 2), said recording/reproducing apparatus comprising:

recording/reproducing means for recording and reproducing data to and from said optical disc by emitting a laser beam to recording tracks on the loaded optical disc (Fig. 2);

transporting means for transporting said recording/reproducing means to a relevant recording track on said optical disc (column 4, lines 15-20);

error rate detecting means for detecting an error rate of the data reproduced from said optical disc (column 4, lines 56-65); and

laser beam intensity controlling means for controlling in intensity said laser beam emitted to said optical disc in accordance with said error rate resulting from the detection by said error rate detecting means (column 4, lines 56-65).

Regarding claim 5, Bakx discloses wherein said error rate detecting means detects said error rate by recording and reproducing calibration data to and from said optical disc after said transporting means has transported said recording/reproducing means to a relevant recording track (column 1, lines 33-58).

Regarding claims 6 and 13, Bakx discloses a recording/reproducing apparatus as described above. Bakx inherently includes optical disc loading/ejecting means for transporting said optical disc between a first position in which the data is recorded and reproduced to and from said optical disc, and a second position in which said optical disc is ejected (all optical disk drives have a loaded and ejected position for the disk).

Regarding claim 15, Bakx discloses receiving means for receiving content from an external apparatus so that the received content may be recorded to said optical disc (column 4, lines 46-50).

Regarding claim 16, it is a method claim corresponding to the apparatus of claim 1, and is met when the apparatus operates.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable Bakx in view of the applicant's admitted prior art.

Bakx discloses a recording/reproducing apparatus as discussed above.

Bakx does not disclose that the apparatus further comprises communicating means for communicating data with an external apparatus; wherein said controlling means causes said communicating means to transmit to said external apparatus said error rate resulting from the measurement by said error rate measuring means.

The admitted prior art discloses a recording/reproducing apparatus with communicating means for communicating data with an external apparatus, wherein said controlling means causes said communicating means to transmit to said external apparatus maintenance information regarding a failure (application, page 3). The applicant discloses that this allows a control center to readily localize and identify any failure (page 3, lines 14-17).

Since in Bakx, a failure is determined by the error rate measured by the error rate measuring means, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to include in Bakx communicating means for communicating data with an external apparatus, wherein said controlling means causes said communicating means to transmit to said external apparatus said error rate resulting from the measurement by said error rate measuring means.

The motivation would have been to allow an external apparatus connected to Bakx to quickly localize and identify the reason for a recording failure.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bakx in view of the applicant's admitted prior art.

Bakx discloses a recording/reproducing apparatus as discussed above.

Bakx does not disclose storing means for storing content to be recorded to said optical disc being loaded.

The admitted prior art discloses a recording/reproducing apparatus with storing means for storing content to be recorded to said optical disc being loaded (application page 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Bakx the storing means for storing content to be recorded to said optical disc being loaded.

The motivation would have been to allow the apparatus to store content for sale, as disclosed in the admitted prior art.

Allowable Subject Matter

9. Claims 2-4, 7-11, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the closest prior art of record, Bakx et al., discloses a first threshold value used to determine whether said error rate detected by said error rate detecting means is at a normal level (column 6, lines 34-36), but fails to teach or suggest a second threshold value used to determine whether said error rate is at an irreparable level.

Claims 7 and 17 contain language similar to claim 2. Claims 3-4, 8-11, and 18-20 are dependent on claims 2, 7, or 17, respectively.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morishima (US 6,912,188), Kubota et al. (US 5,841,747), Inoue et al. (US 5,550,799).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (572) 272-5264. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CRL 4/6/06


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